

August 2003

**In the Matter of the
Restaurant license for
#1 Vietnamese Restaurant
2218 East Lake Street
Minneapolis, MN
9th Ward**

**Findings of Fact,
Conclusions, and
Recommendations**

This matter came to the attention of the Licenses and Environmental Health Divisions following inspections by Code Compliance Officer Laura Huseby. The Licensee agreed to forego a hearing and stipulate to the following findings of fact.

FINDINGS OF FACT

1. In October 2001, Code Compliance Officer Laura Huseby contacted License Inspector Julie Casey to report that the ownership of the Vietnamese Restaurant, located at 2218 Lake Street East, had changed. Inspector Casey contacted the ownership to find that they had taken possession of the establishment one month earlier. Under Minneapolis ordinance a new ownership cannot take possession of a new business until at such time a license has been issued to the business. The Minneapolis City Council following review issues licenses by city departments.
2. An application for a business was received November 5, 2001. The application was incomplete. Notices were sent to complete the application. The Environmental Health Divisions and Zoning Department sent notices to the License Department that establishment had not complied with Zoning and Health regulations and was not eligible for a license. Inspector Casey contact Quy Vo on several occasions to seek completion of the application.
3. Code Compliance Officer Laura Huseby continued to work with Quy Vo to meet the requirements of the environmental health code by establishing a timeline for the business to correct issues. Following her November 26, 2001 inspection, the restaurant voluntarily closed due to no approved dishwashing on the site. CCO Huseby returned to the establishment on November 28, 2001 following the repair of floor tile by the owner and installation of the 3-compartment sink. Notes on this inspection indicate that the Hatco water heater is infested with cockroaches and would be removed with the dishwasher. The owner was informed at

this time that an emergency closure ordinance specified that the observed presence of 6 live cockroaches was grounds for closure. The Hatco heater is still on-site and supplying hot water to the 3-compartment sink. Other issues that needed addressing included: food prep sink, hot water to handsinks, exhaust duct work cleaned and 1 year allowed for replacement of the walk-in cooler floor. An appointment for a pre-opening re-inspection was made for December 3, 2002.

4. Environmental Health Addendum was signed on December 3, 2002 with conditions and a timeline for addressing issues. No live cockroaches were observed during this inspection.
5. Invoices for the pest control contractor and installation of the 3-compartment sink received on December 15, 2002. On January 9, 2002, Quy Vo passed the certified food manager class.
6. A routine announced inspection on August 23, 2002 revealed there was no hot water to hand sinks and Quy Vo, certified food manager is absent during the operation of the restaurant. Quy Vo admitted that he was no longer in the restaurant full time. Date-marking, another certified food manager, and cross-contamination, cleanliness, a contract with a pest control operator, and a grease receptacle to remove fryer grease from the premises were additional issues at this inspection. Evidence of cockroach infestation was noted but no live cockroaches were present at the time of inspection.
7. In April 2003, the council passed a new ordinance that allows denial of incomplete license applications. License Inspector Julie Casey sent a notice to the #1 Vietnamese Restaurant that they must complete their application by July 1, 2003 or their application will be denied.
8. On April 21, 2003, Code Compliance Officer Laura Huseby conducted a re-inspection. None of the orders issued in August 2002 were completed and two more critical violations were noted.
9. Re-inspection of the Environmental Health orders was conducted on May 13, 2003. Repair work to the walk-in cooler was not done to code. Cleanliness and sanitation was once again an issue. Infestation of cockroaches was once again noted during the inspection but no live cockroaches were observed. Owner stated that pest control was visiting once per week. Exhaust

ductwork cleaning invoice and a water heater to provide hot water to the hand sinks had been installed at this inspection.

10. In June 2003, site plan review was completed and Zoning approval was given.
11. On July 14, 2003, a re-inspection was conducted to determine if the restaurant met Environmental Health code requirements and could be recommended to City Council for license approval. At the time of the inspection, cockroach infestation was visibly noticeable. Live cockroaches were photographed moving along the ceiling and equipment in the kitchen dishwashing area, food prep area and cooking area. Existing Environmental Health code violations were noted. At this inspection, License Inspector Casey closed the facility for failure to complete the license application within 120 days and CCO Huseby for a cockroach infestation. Samples of the cockroaches were taken to Minneapolis Public Health for identification. Comments on the report indicate that all life stages of the German Cockroach are present.
12. On July 16, 2003 a visit with the pest control operator to the establishment revealed an overwhelming infestation of German cockroaches. The roaches were found inside dry goods containers, inside the food equipment motor and compressor compartments (refrigeration, freezer, and Hatco booster heater) and generally over-running the restaurant. All open food, paper, cardboard and wood products were removed and condemned. Neighboring businesses were notified by Environmental Health of the problem and advised to contact their pest control contractor.
13. Notice of license denial due to incomplete application was sent to the Licensee. They reapplied for a new license on July 22, 2003. They were verbally informed that they would not be allowed to re-open the restaurant until they abated all past due environmental health orders. At the request of the licensee, follow up inspections were conducted on July 25, 28, 30, 2003 and August 6, 2003. Nine inspections were conducted at this facility since they opened in October 2001.

CONCLUSIONS

1. Quy Vo, as owner of the #1 Vietnamese Restaurant has operated without a restaurant license since October 1, 2001 in violation of MPLS ORD 188.160. .

2. Quy Vo did not complete all the requirements to be eligible for a restaurant license as required by Chapter 188 of the MPLS ordinances.
3. Quy Vo and associated parties failed to maintain the restaurant in a manner that safeguards public health and sanitation in violations of Chapter 188 of the MPLS ordinances.
4. Quy Vo and associated parties lack the knowledge for basic cleaning and comprehension of following directions for the repairs and maintenance of the establishment.

RECOMMENDATIONS

The licensee, Quy Vo has requested a date to re-open his restaurant. The Department recommends the following stipulation to re-opening the restaurant.

1. All environmental health code violations must be completed and inspected before the restaurant is to open.
2. Quy Vo, as owner of #1 Vietnamese Restaurant, agrees to pay an administrative fine in the amount of \$1500.00. The fine will be stayed for a period of one year provided that at any given environmental health inspection no more than three (3) critical and six (6) non-critical violations are cited.
3. Quy Vo agrees to maintain a contract with a professional pest control operator for weekly applications. Weekly applications will be continued through October 31, 2003 and can be reduced after October 15, 2003 if the professional operator will send a letter to the environmental health department indicating the cockroach infestation is under control and weekly visits are no longer needed.
4. Quy Vo agrees to hire a professional cleaning service for a thorough cleaning before the restaurant will be allowed to reopen.
5. Quy Vo, as owner of #1 Vietnamese Restaurant, must take responsibility to implement and maintain necessary food safety standards. Failure to comply with the provisions of the Minnesota Food and Beverage Code and Minneapolis ordinances could warrant a revocation of the license. A Certified Food Manager must be present while the restaurant is open. The certified food

manager must be able to explain and demonstrate all the Person-in-Charge requirements for the operator of a food establishment in Minnesota.

6. Any employees must be able to demonstrate knowledge of food safety at all times.
7. Quy Vo agrees to pay \$100 per critical violation in excess of three (3) critical violations and \$50 per non-critical violation in excess of six (6). Three (3) critical and six (6) non-critical violations are considered a passing standard for environmental health standards.
8. The #1 Vietnamese Restaurant will be allowed to reopen their restaurant upon completion of the above noted recommendations.

I have read the above report and recommendations. I agree with the report, and I agree with the above recommendations. I understand that failure on my part of the part of my business to adhere to this agreement with the Department may lead to further action against my license. I understand that this report must be accepted by the Minneapolis City Council and signed by the Mayor. I understand that future violations may put my license in jeopardy.

Licensee of Quy Vo	Date
Owner of #1 Vietnamese Restaurant	

Witness	Date
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Witness	Date
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